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MINUTES OF THE COUNCIL AND GENERAL COURT
1622-1629*.

From the Originals in the Library of Congress.

(CONTINUED.)

*All erasures in the originals are here printed in italics.

(175.)

Edward Nevell sworne & examined sayeth yt Mr Crispe did promise *to give* Mr. Weston (1) *securitie yt he would he would not Truck any of his Tobacco* at Canada & yt before he had his goodes ashore he wold putt him in good securitie not to Truck away any of his Tobacco, except some hundred weyght to buy him apparell and some other necessaries.

(1) Thomas Weston, a London merchant, was one of the associates of John Pierce, to whom a grant of land was made by the Virginia Company Jan. 12, 1619-20. He was closely associated with the emigration of the Pilgrims; but later, differences arose between him and them. Weston owned a number of ships and was actively engaged in trading to America and in fishing. He decided to attempt a settlement in New England, and in the summer of 1622, his ships the *Charity* and *Swan*, and, probably, the *Sparrow*, brought fifty or sixty men for a settlement at Wassagusset (now Weymouth). The *Charity* also carried thirty passengers on to Virginia. This settlement seems to have been very objectionable to the Plymouth people, who accused the new-comers, generally, of much bad conduct, though stealing corn is the worst specific charge. Robert Cushman wrote from England to his brother Pilgrims in regard to Weston's men "I pray you therefore signify to Squanto [the Indian interpreter] that they are a distinct body from us, and we have nothing to do with them, nor must be blamed for their faults, much less can warrant their fidelity." The savage mind could draw but one inference from this Christian message, and promptly made plans to extirpate the Weston colony. It is, of course, not intended to imply that Cushman instigated an attack on the new settlement; but he should have known the danger of such a message. The Weston colony was soon abandoned, most of its members returning to England while a few went to Plymouth and Virginia.

Weston continued for a number of years his trading and fishing ventures. Alexander Brown states that later he owned land in Virginia and Maryland. He was for a time a resident in Virginia and was a member of the House of Burgesses in 1628. It should be noted here that the present Maine was then called Canada. Thomas Weston is said to have died in Bristol during the Civil War.

Yt is ordered yt Mr. Weston shall pay to Mr. Newman for ye service of Arthur Avelince six barrells of sheeld corne and two firkins of butter or the valew therof in Comodities, as ye said butter and Comodities cost in Englande.

And for the fraught of Certen goods purchased [?] at one town, yt he take for the fraught therof after ye rate of fower pownde to be paid in Tobacco at the rate of three shillings p. pownd accordinge to the agreement.

Thomas Cryspe, gent., sworne & examined sayeth that he was witness to A Covenant when Edward Nevell did Covenant to deliver one hundred pound weight of Tobacco to Robert Newman uppon theire arivall at Canada, in consideracon yt the said Edward Nevell had a bill signed [?] over to him by John Warde (2) for the repayment of ye said hundred waight of Tobacco at this Cropp.

And fourther sayeth yt when they arived at Canada Robert Newman demanded ye Tobacco of Mr. Nevell at damarells Cove(3), and Mr. Nevell Answered peradventure it is at Massicusis [?] yt you shall have, And sayeth yt after this Mr. Newman made a second demand of it and he refused to pay it, saying yt it was at his choyse *whether* for ther *he wold pay it or no at Canada* was noe day or place appointed for the payment therof so it was paid in Canada.

(176.)

Yt is ordered yt Mr. Nevell shall paye to Robert Newman(4) and John Warde ffyftie pownde waight of good merchantable Tobacco, And to deliver upp to them one Bill wherin they

(2) Captain John Ward, who made a number of voyages to Virginia settled a plantation in the Colony at Ward's Creek, and with his Lieutenant, John Gibbs, represented it in the Assembly of 1619.

(3) The Damarells-Damaris-, Damarinscove Islands, are five or six in number and lie off the coast of Maine, between the Kennebec and Penobscot. They were early resorted to by fishing ships and occupied for fishing stages.

(4) The "Muster" of William Gayne and Robert Newman, appears in the Census of 1624-5. Robert Newman, aged 25, came in the *Neptune* in 1618, and the "muster" also included John Coker, aged 20, and Arthur Avelon, aged 26, the latter having come in the *Elizabeth* in 1620.

stand bound to him for ye payment of one hundred pounds waight of Tobacco

Yt is ordered yt Mr Weston shall pay Robert Thresher one hundred and fower score pownd waight of good merchantable Tobacco presently, In consideracon of that Tobacco w'ch he laid owte of Robert Threshers at Canada for his owne comodities And two hundred and ffiftie pound waight more for his not bringing a servant for ye said Robert Thresher according to agreement and twenty pounce of ye like Tobacco a weeke for John Coker his servant from ye fourteenth of June to the eighth of October *next following* last past.

Killibett Hitchcock(5), gent., sworne & examined sayeth That he was over to Archers Hope with the wyddow Bush and was present when she did make an absolute bargaine with Mr Thomas Farley for the land he was then seated one, for six yeeres, And that Mr Farley did tender her payment of a hundred waight at that present, but beinge late and the weather doubtful she would not then take it with her but did defer the payment therof until Mr Farlow had his leafe sold.

(177.)

John Elyson(6) sworne & Examined sayeth, that he was present when the widdow Bushe did grant a lease to Mr farley of the lande he was then seated one for six yeares. And that Mr farley was to pay therin present a hundred waight of Tobacco, And that she offered to have made Mr farley a lease therof at that tyme yf there had been candle length in the house and yt Mr farley was to paye to the widdow Bush sixtie pound of Tobacco yearly rent for the place.

(5) Kilibett Hichcocke, was living at James City in 1623; but was out of the county or omitted in the Census of 1624-5.

(6) John Ellyson who came in the *Prosperous* and his wife Ellin, who came in the *Charitie* were living at Archers Hope 1624-5. At the same time, Susan Bush aged 20, who came in the *George*, 1617, widow of John Bush, who died in 1624, was living, together with Sarah Spence, aged four, born in Virginia, and five servants, at Elizabeth City. Sarah Spence was daughter of Ensign William Spence, who had been a burgess for James City in the Assembly of 1619 and who, with his wife, was returned in the list of dead Feb. 16, 1623, as "Lost," doubtless killed by the Indians. Sarah Spence seems in some way to have been the heir of Susan Bush, who must have died not long after the Census of 1624-5.

In regarde of the greate charge yt Thomas Bennett(7) hath uppon his hands and other considerations The Court doth condescend yt he shall have two barrells of Corne abated him of his rent for this year.

Yt is orderd yt gardians of Sara Spence shall make satysfacione to Thomas ffarley for the cost & charges he hath been at in Clearinge and building uppon the lande he now is seated one, w'ch he hath p'formed since the widdow Bush made him grante of a lease.

Yt is ordered w'th ye Consent of ye Governor yt six hundred waight of Tobacco dew Mr Cleybourne as by a former order apeareth and one hundred waight to Clarence Maye [?], one hundred waight to Wm Julyan, And sixtie waight to John Powell, being dew to them from the Company shalbe paid to them owt of the Companys rent of *their rent* this yeeres rent, W'ch the Governor was formerly ordered to receave in sattisfacon of this Deft.

(178.)

A Courte held the xxviiith of November 1625 beinge present S'r ffancis Wyatt, Knight, Governor, Capt ffancis West, Capt Roger Smith, Capt Samuell Mathewes, Mr William Cleybourne

Yt is ordered yt the p'vost marshall shall give a discharge to the purser of the Elizabeth for the receipt of those goodes w'ch he hath receaved of John ffox and John Pickemell who died at sea, And to take the Charge of sendinge of the Tobacco made of those goodes into England

Wheras Thomas Thackthorpe [or Shackthorpe] and Robert Burrows beinge brought over as servants for Richard Page, m'r of the Elizabeth, who by order of Court dated ye 19th of September 1625 weere delivered the one to Mr Abraham Persie

(7) In the muster of Thomas Bennett (at the census of 1624-5) at Basses Choice, appear Thomas Bennett, aged 38, who came in the *Neptune* in 1618, Mary Bennett, aged 18, came in the *Southampton*, 1622, Roger Heford, and Benjamin Simes, aged 33. The last was no doubt the Benjamin Symes, later of Elizabeth City, who by his will in 1634, founded a school in that county, still represented by the Symes-Eaton Academy at Hampton, the oldest endowed school in the United States. Thomas Bennett was probably a brother of Edward Bennett who had a great plantation not far away at Warrosquoiacke.

and the other to Mr John Woolrich for 2 servants of theirs who went away after they were shipt by neckligence The Court refers it to be tried in England betwixt the owner and the wyddow Page who shall stand to the loss of those two Servants

Yt is ordered yt the purser of the Elizabeth shall pay to Caleb Page for the use of the widdow of Richard Page late m'r of the Elizabeth 600 pounds waight of good merchantable Tobacco and that the purser shall ship the said Tobacco aboarde the Elizabeth and give ye bill of lodinge for the same into this Court to be recorded

And yt Caleb Page shall take the charge of receavinge upp the rest of the Tobacco and other depts due to his brother Richard Page, and to be accountable for the same to this Courte to ye use of ye wydow Page when he shalbe therunto caled.

(179.)

Thomas Weekes sworne and Examined sayeth yt A boye shipt by Thomas Page aboarde the Elizabeth did doe all such Busines and labour duringe the voiage as the Boatswain did Comand him to Doe

Yt is ordered yt Caleb Page shall prefer in Court A trew and iuste accoupt of all such depts and Tobacco as he shall receive in Virginia for depts dew his Brother Thomas Page

Yt is ordered yt Capt Tucker shall deliver such goodes as he hath in his handes of Mr Vincent Barber's unto Mr Marmaduke Rayner(8), or otherwyse that he appeare heere before ye Governo' and Councell at James Cyttie one mondye next come sennight beinge the twelf d'ye of December next to show cause too the Contraire

John Snode [?] sworne *and Examined sayeth* deposeth that the Inventorie by him p'duced in Court was A trewe Inventory of the goodes of Thomas Clarke, deceased.

Yt is ordered yt a warrant be sent to Lt Barry yt yf the Controversie depending between him and Henry Geny cannot [be

(8) Marmaduke Rayner was a member of the Virginia Company and as mate and master made several voyages to Virginia. In the summer of 1620 he made an exploring expedition from Virginia to Roanoke.

settled?] at ye Court at Elizabeth Cyttie yt then Lieut Barry do appeare heere one this daye three weeks to answer to said Henry Geny to his duite.

Wheras John Utie, gent., deposeth in Courte yt certain things Demanded in Courte by Mr Harwood, were received by him of Mr Harwood for the [use?] of Southampton hundred Company. A note of ye p'ticulars 19 shirtes, 8 payer of shewes, 18 payer of fish firkins [?], 4 felling Axes.

(180.)

John Utie, gent., deposeth yt the bond wheron John Sheppard(9), Doctoris Christmas, & Mr Jonas Stogden stand bound to Mr John Pountis late Thresurer of Southampton Hundred was for the discharge of said John Shepparde and Doctoris Christmas from the service of Southampton Company

Yt is ordered yt John Shepparde and Doctoris Christmas havinge discharged their bonde to Mr Pountis shal have their freedom accordinge to agreement as other tenants have had.

Yt is ordered yt a warrant to Christopher Lee (10) to deliver the fortie fower boushels of Corne of the pursers now in his hands of Mr Peirsie to any of the ships Company or else to appeare here one Monday next to show cause to ye Contrary.

Yt is ordered yt notw'thstandinge the Covenant made betweene Mr David Sandys, minister, and the parishoners of Martins Hundred, That they shall paye the full dewes as other parishes doe, nottw'thstandinge his not p'forming his covenant by reason of his Death.

(181.)

A Courte held the 5th D'ye of December 1625, beinge present Sr francis Wyatt, Knight, Governor, Capt. francis West, Capt. Roger Smith, Mr Wm Cleybourne

(9) Doctoris and Elizabeth Christmas were living at Elizabeth City in 1623, and he was in Virginia in November 1625; but is not included in the Census of 1624-5. It is evident that this census is not complete. See this Magazine XIX, 385 for note on Doctoris Christmas. John Sheppard was probably the "Lieutenant Sheppard," living at Elizabeth City in 1623; but not named in the Census of 1624-5.

(10) In the Census of 1624-5, Christopher Lee, aged 30, who came in the *Southampton* in 1623, appears as a servant of Abraham Persey at James City.

Nicholas Roe⁽¹¹⁾ sworne and Examined sayeth yt he remembreth at Canada yt Mr Weston gave order to Mr Nevell not to deliver Mr Crispe his Tobacco unless he brought Mr Wetheridge to give securitie yt Mr Crisp should not Truck away any of his Tobacco in ye Country, but wether Mr Weston did absolutely demande Mr Wetheridge should give his bonde or to deliver it uppon his word this deponent doth not well remember

And further he sayeth that being at Damerells Cove Jeffry Cornish came abourde the ship caled the Swan and demanded this deponent the cause of his brothers execution, sayinge yt hath been told his brother was put to death wrongfully and that he wold be revenged of them that were ye occasion of it.

And further sayeth yt whilst Jeffry Cornish and this deponent were in talke Mr Nevell cam in place and told ye said Jeffry Cornish yt he was at the triall of his brother and at his execution and that he could say more concerninge his execution than this deponent could doe, after w'ch this deponent was caled down into ye hold, so yt wt other Conversation was betwixt them concerninge that, he knoweth not The said Cornish and Nevell remayninge uppon the deck talkinge together, and further he cannot depose.

John Giles sworne and examined sayeth yt he heard Jeffry Cornish sware and saie that he wold be the cause of the death of those yt were ye cause of putting his brother to death, This deponent beinge abourde their owne shipp caled the Swann, And cominge abourd another shipp riding hard by, but yt Edward Nevell or another told said deponent he was put to death wrongfully, he cannot say.

(182.)

Christopher Knollinge sworne and examined sayeth that being a shore at Damarells Cove in Canada Jeffery Cornish cam unto him and demanded of him w't he could say concerning

(11) Nicholas Rowe, who came in the *Elizabeth* in 1621, and Mary Rowe who came in the *London Merchant*, 1620, were living at Elizabeth City 1624-5.

his brother being putt to death, sayinge that some of ye Swan should tell him yt his brother was put to death wrongfully & said yt he would spend his blood for his brother to be revenged on them yt did it, but this deponent askinge *him Deponent* the said Cornish who told him so, he refused to tell him, and more he cannot say.

Nicholas Hodges sworne and examined sayeth he herd Mr Weston say to Nicholas Roe at Canada yt unles he would signe a release unto him he would putt his two men ashore, and would not bring them to Virginia

It is ordered yt A warrant be made to cause Mr Weston to appeare [before] ye Governor and Councell at James Cyttie one mond'ye the 12th of December and to bring up his pynnace w'th him yf winde and weather will serve, yf not yt he do p'sonally apeare him self, and his pynnace to come upp after, and yt Mr Crispe, Mr Newman, Mr Nevell, Thomas Godbie and all others who have ought against or for Mr Weston do appear heere the same D'ye Concerninge the business of ye Swan and yt Mr Weston bring upp Mr Nevells goodes in ye barke

Yt is orderd yt Robert baring shall pay eight barrells of Corne to Mr William Harwood for ye Companyes dept w'ch is dew unto him.

Yt is ordered yt Mr Procter shall paye to Mr Perry(12) in recompense of his boat w'ch was splitt by Mr Procters meanes, the some of fiftie pound weight of good merchantable tobacco, present payment.

Peter Busbey [or Bayley] sworne and examined saith yt cominge down in Mr Procters shallopp w'th passengers [and?] Tobacco Edward ffysh [Fysher?] espeied a duck ahead and spake to ye Company to take her upp, and ye duck flew away, but ye shallopp at that tyme shipt noe water

(12) William Perry came to Virginia in 1611 and died Aug. 6, 1637. The epitaph on his tomb at Westover is now illegible, but was copied by Charles Campbell, the Virginia historian, who also states that the tomb bore a shield with armorial bearings too worn to be identified. Perry was appointed to the Council 1632-3. See this Magazine II, 451.

(183.)

Caleb Page sworne and examined sayeth ye he herde John Pickenell say yt he did owe William Webster, purser of the Elizabeth, fyftie pounds waight of Tobacco, wherupon it is ordered yt the purser shalbe paid this sum out of the Tobacco w'ch by order of Courte he is to pay to the provost marshall for Peckemells goodes

And where it doth appear by Richard Page's books that he doth owe William Brewere for five gallons of Aquavita, and two barrells of greene ginger yt is orderd yt Caleb Page shall paye him for ye same, twenty-fower pounds of Tobacco

Yt is ordered that Thomas Dowethorne(13) shall pay to Sergeant John Harris for a dept of William Gantlett, deceased, the quantitie of three barrells of Indyan Corne presently, The bill of Gauntletts p'duced in Court affirminge ye same to be dew dept.

Yt is ordered yt Caleb Page shall receave the goodes of Thomas Page his brother and to receave Tobacco for the sum, And to bring in a perfect Accoumpt therof unto this Courte, & shipping ye *goodes*. Tobacco for Englande deliver into ye Courte a bill of ladinge for the same.

(184.)

A Courte held the xiith daye of December 1625, being present Sr ffancis Wyatt, Knight, Governor &c, Capt Roger Smith, Raphe Hamor, Mr William Cleybourne

At the humble desire of Captayne Thomas Willowby(14) ye Courte hath assented he shall have two hundred acres of land scituate aboute two myles w'thin the mouth of Pamunkey river

(13) The muster of Thomas Dunthorne, of Elizabeth City, at the Census of 1624-5, included himself aged 27, who came in the *Margaret & John*, 1620, Elizabeth Dunthorne, aged 38, who came in the *Tryall*, 1610, and six servants. Dunthorne's wife was eleven years older than he, and had been in the colony ten years longer; but marriage with an experienced and thoroughly acclimated widow had its compensations.

John Harris owned 200 acres in Charles City in 1626. William Gauntlett, curiously, is entered in both the lists of living and dead in 1623; but the latter was probably correct.

(14) Notices of Thomas Willoughby, William Claiborne, Roger Smith, and Ralph Hamor and their families have appeared in former numbers of this Magazine. For a note on John Jefferson see XXIII, 19.

and abuttinge westerlye on to Creeke and thence extending one hundred pole along ye banke of ye river and ye southerlye side of the said River, provided, that he plant and seate uppon the saide lande, or some parte of the saide lande, w'thin seaven years next after the date herof ensueinge or else ye s'd land to be free any other to make choyse & yn[then] ye saide Thomas Willowbie to take his said devident in some other playce.

Mr William Cleybourne, Counsellor of Estate, *doth likewise* desireth of the Courte to have two hundred and ffyftie acres of land granted unto him sytuate Aboute Archer's Hope and abuttinge westerly uppon the lande of Joakin Androos & esterly uppon the land of Lieut. John Jeffersone, Southerlie uppon the maine river & northerly uppon the maine lande unto w'ch his request, The Courte doth willinglie consent Provided yt he ymploy plant or seate uppon the said land w'thin seaven yeres after the date therof

Capt Roger Smith Counsellor of estate *doth likewise* desireth of the Courte to have one hundred acres of lande for his own p'sonall adventure he beinge an old planter, fower Acres of the said lande beinge w'thin the precincts of James Cyttie & the other nyntie six sytuat uppon a Creeke w'thin the mouth of the back river w'thin ye Corporation of James Cyttie, deviding it westerly from the gleabe land, and thence extendinge along the banck of the river fortie eight pole sutherly uppon the mouth of the said back river, and westerly uppon ye maine land, unto w'ch his request the Courte do willinglie consent he havinge alreadie seated and planted upon the said lande.

(185.)

Capt. Raphe Hamor Counsellor of estate *doth like* desireth of the Courte to have five hundred acres of land sytuate one the northe side of Blunt poynt river, about three miles upp the saide river & abuttinge *northe* westerlie uppon A Creek deviding it from the land of John Baynum(15), gent., & thence extend-

(15) The Muster of Mr. John Banum and Robert Sweet, at Elizabeth City, at the Census of 1624-5, includes John Banum aged 54, who came in the *Swan* in 1616, Elizabeth Banum, aged 43, who came in the *Bona Nova* in 1620, Robert Sweet, aged 42, who came in the *Neptune* in 1618, and seven servants.

inge Easterlie two hundred and ffyftie pole along the banke of the said Blunt poynt river, sutherly uppon the maine lande, unto w'ch his request the Courte doth willingly assent, provided that the saide Capt. Hamor doth seat & plant uppon the said lande or some parte of ye saide lande w'thin seaven yeeres next ensuinge after the date herof.

Randall Smallwood sworne and examined sayeth that ffrancis Michell(16) did buye of Joseph Charde two houses and six Acres of land at Charles Hundred for a hundred and ffyftie pound of tobacco *and three bushells* of Indyan Corne w'ch Tobacco *and corne* was to be paid to the said Joseph Charde when he did deliver ye writtings and the possessione of the said houses and lande to the said ffrancis Michell, And further saieth That w'thin three or fower D'yes after The massacre happeninge, and the said Joseph Charde being in possession of the said houses was forced by the Emergencie w'th others to quitt ye saide houses, by reason wheras shortly after it was burnt by the Indyan, And the said ffrancis Michell never possest therof

The Courte findinge by witness, and by the bill itselke yt the said Tobacco was to be paid for the said houses and land wherof he was never possest, do not conceive in equitie yt ffrancis Michell should be compelled to paye the said Dept.

(186.)

John Sutherne sworne and examined sayeth, That he was p'fecting some Accompts for Mr Rowsley, (17) at w'ch tyme he was very sicke, And among other writings Anthony West his indenture cam to his hande, w'ch Indenture Mrs Rowsley willed this deponent to give her, sayinge I will laye it by, for I will give him his Indentures & sett him free

(16) Francis Michell lived at Elizabeth City Feb. 1623, and Josuah Chard, aged 36, who came in the *Seaventine*, May 1607, and Ann his wife, aged 33, who came in the *Bonny Bess*, August 1623, were living at the Neck of Land in Charles City 1624-5.

(17) William and Elizabeth Rowsley and a maid of theirs died at James City between Feb. 1622 and Feb. 1623. Anthony West, who came in the *James*, 1622, lived on the Treasurer's Plantation, James City, 1624-5

Henry Menefie [?], Marchant, sworne and examined sayeth yt he was in place at Mr Rowsleys house with Capt. Sampson Mr Rich. Bass when Mrs Rowsley did sett Anthony West free and delivered his Indentures to Capt Sampson to Cary into England to his friends

Uppon the Testimonys above recorded the Courte doth order that Anthony West shall have his freedom, and his passe for England.

(To be continued)